

1-1 By: Gerdes, et al. (Senate Sponsor - Perry) H.B. No. 2078  
1-2 (In the Senate - Received from the House May 19, 2025;  
1-3 May 22, 2025, read first time and referred to Committee on Water,  
1-4 Agriculture and Rural Affairs; May 23, 2025, reported favorably by  
1-5 the following vote: Yeas 8, Nays 0; May 23, 2025, sent to printer.)

1-6 COMMITTEE VOTE

| 1-7  | Yea                | Nay | Absent | PNV |
|------|--------------------|-----|--------|-----|
| 1-8  | Perry              | X   |        |     |
| 1-9  | Hancock            | X   |        |     |
| 1-10 | Birdwell           |     | X      |     |
| 1-11 | Blanco             | X   |        |     |
| 1-12 | Gutierrez          | X   |        |     |
| 1-13 | Hinojosa of Nueces | X   |        |     |
| 1-14 | Johnson            | X   |        |     |
| 1-15 | Kolkhorst          | X   |        |     |
| 1-16 | Sparks             | X   |        |     |

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the joint planning of desired future conditions in  
1-20 groundwater management areas.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 36.1071(e), Water Code, is amended to  
1-23 read as follows:

1-24 (e) In the management plan described under Subsection (a),  
1-25 the district shall:

1-26 (1) identify the performance standards and management  
1-27 objectives under which the district will operate to achieve the  
1-28 management goals identified under Subsection (a);

1-29 (2) specify, in as much detail as possible, the  
1-30 actions, procedures, performance, and avoidance that are or may be  
1-31 necessary to effect the plan, including specifications and proposed  
1-32 rules;

1-33 (3) include estimates of the following:

1-34 (A) modeled available groundwater in the  
1-35 district based on the desired future condition established under  
1-36 Section 36.108;

1-37 (B) the amount of groundwater being used within  
1-38 the district on an annual basis;

1-39 (C) the annual amount of recharge from  
1-40 precipitation, if any, to the groundwater resources within the  
1-41 district;

1-42 (D) for each aquifer, the annual volume of water  
1-43 that discharges from the aquifer to springs and any surface water  
1-44 bodies, including lakes, streams, and rivers;

1-45 (E) the annual volume of flow into and out of the  
1-46 district within each aquifer and between aquifers in the district,  
1-47 if a groundwater availability model is available;

1-48 (F) the projected surface water supply in the  
1-49 district according to the most recently adopted state water plan;  
1-50 and

1-51 (G) the projected total demand for water in the  
1-52 district according to the most recently adopted state water plan;  
1-53 ~~and~~

1-54 (4) consider the water supply needs and water  
1-55 management strategies included in the adopted state water plan; and

1-56 (5) include an explanation in plain language of how:

1-57 (A) the district is monitoring and tracking the  
1-58 achievement of the desired future conditions established under  
1-59 Section 36.108; and

1-60 (B) the district has performed in achieving the  
1-61 desired future conditions established under Section 36.108 over the

2-1 preceding five-year joint planning period.

2-2 SECTION 2. Section 36.108, Water Code, is amended by  
2-3 amending Subsections (c) and (d-3) and adding Subsections (c-1) and  
2-4 (d-1a) to read as follows:

2-5 (c) The district representatives shall meet at least  
2-6 annually to conduct joint planning with the other districts in the  
2-7 management area. The representatives shall [and to] review:

2-8 (1) [the management plans], the accomplishments of the  
2-9 management area;

2-10 (2) [and] proposals to adopt new or amend existing  
2-11 desired future conditions; and

2-12 (3) not less than once during each five-year period  
2-13 described by Subsection (d), the management plans of each district  
2-14 in the management area.

2-15 (c-1) In reviewing the management plans under Subsection  
2-16 (c), the districts shall consider:

2-17 (1) the goals of each management plan and its impact on  
2-18 planning throughout the management area;

2-19 (2) the effectiveness of the measures established by  
2-20 each district's management plan for conserving and protecting  
2-21 groundwater and preventing waste, and the effectiveness of these  
2-22 measures in the management area generally;

2-23 (3) any other matters that the boards consider  
2-24 relevant to the protection and conservation of groundwater and the  
2-25 prevention of waste in the management area; and

2-26 (4) the degree to which each district is achieving  
2-27 [management plan achieves] the desired future conditions  
2-28 established during the joint planning process through the  
2-29 implementation of the district's management plan and rules.

2-30 (d-1a) The district representatives shall:

2-31 (1) adopt desired future conditions under this section  
2-32 for each approximately 50-year planning period identified by the  
2-33 executive administrator for the preparation of state and regional  
2-34 water plans; and

2-35 (2) identify interim values for the desired future  
2-36 conditions adopted under Subdivision (1) for time periods not to  
2-37 exceed 10 years solely to assist the districts in monitoring  
2-38 interim progress in achieving the desired future conditions adopted  
2-39 for the approximately 50-year planning period.

2-40 (d-3) After each district has submitted to the district  
2-41 representatives the information required under Subsection (d-2)  
2-42 and made the information available for the required period of time  
2-43 under Subsection (d-2a), the district representatives shall  
2-44 reconvene for a joint planning meeting to review the information  
2-45 required under Subsection (d-2), consider any district's suggested  
2-46 revisions to the proposed desired future conditions, receive public  
2-47 comment, and finally adopt the desired future conditions for the  
2-48 management area. The desired future conditions must be approved by  
2-49 a resolution adopted by a two-thirds vote of all the district  
2-50 representatives not later than January 5, 2022. Subsequent desired  
2-51 future conditions must be proposed and finally adopted by the  
2-52 district representatives before the end of each successive  
2-53 five-year period after that date. The district representatives  
2-54 shall produce a desired future conditions explanatory report for  
2-55 the management area and submit to the development board and each  
2-56 district in the management area proof that notice was posted for the  
2-57 joint planning meeting, a copy of the resolution, and a copy of the  
2-58 explanatory report. The report must:

2-59 (1) identify each desired future condition;

2-60 (2) provide the policy and technical justifications  
2-61 for each desired future condition;

2-62 (3) include documentation that the factors under  
2-63 Subsection (d) were considered by the districts and a discussion of  
2-64 how the adopted desired future conditions impact each factor;

2-65 (4) list other desired future condition options  
2-66 considered, if any, and the reasons why those options were not  
2-67 adopted; [and]

2-68 (5) discuss reasons why recommendations made by  
2-69 advisory committees and relevant public comments received by the

3-1 districts during the public comment period or at the joint planning  
3-2 meeting were or were not incorporated into the desired future  
3-3 conditions;

3-4 (6) include an explanation in plain language of why a  
3-5 desired future condition adopted for an aquifer was changed if the  
3-6 desired future condition is different from the desired future  
3-7 condition adopted for the aquifer over the preceding five-year  
3-8 joint planning period; and

3-9 (7) include a summary of how each district is  
3-10 performing in achieving the desired future conditions.

3-11 SECTION 3. This Act takes effect immediately if it receives  
3-12 a vote of two-thirds of all the members elected to each house, as  
3-13 provided by Section 39, Article III, Texas Constitution. If this  
3-14 Act does not receive the vote necessary for immediate effect, this  
3-15 Act takes effect September 1, 2025.

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